

Message Text

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S E C R E T MOSCOW 17967

EXDIS

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TAGS: PARM US UR

SUBJECT: TTBT/PNE NEGOTIATIONS: AGREET TEXT OF "LEGAL ARTICLES"

TTBT/PNE DELEGATION MESSAGENO 48

1. MEETING WORKING GROUP 1 DECEMBER 16 RESULTED IN AGREEMENT,
AD REFERENDUM TO DELEGATIONS, ON TEXT OF ARTICLES WHICH ARE
ARTICLES XIIN XIII AND XIV IN US DRAFT AS REPORTED IN
PARA 2 BELOW.

2. BEGIN TEXT:

ARTICLE (X) XII (XX) (Y) (VII) (YY)

1. DESIGNATED PERSONNEL (X) WITH THEIR EQUIPMENT AND
PERSONAL PROPERTY (XX) SHALL BE PERMITTED TO ENTER THE
TERRITORY OF THE PARTY CARRYING OUT AN EXPLOSION AT AN
ENTRY PORT TO BE AGREED UPON BY THE PARTIES, TO REMAIN
THEREIN FOR THE PURPOSE OF FULFILLING THEIR RIGHTS AND
FUNCTIONS UNDER THE TREATY AND THIS PROTOCOL, AND TO DEPART
FROM AN EXIT PORT TO BE AGREED UPON BY THE PARTIES.

2. AT ALL TIMES WHILE THEY ARE IN THE TERRITORY OF THE
PARTY CARRYING OUT AN EXPLOSION, DESIGNATED PERSONNEL
SHALL ENJOY THE FOLLOWING PRIVILEGES AND IMMUNITIES:

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(A) PERSONAL INVIOABILITY, INCLUDING IMMUNITY

FROM ARREST OR DETENTION IN ANY FORM WHATSOEVER. THE PARTY CARRYING OUT AN EXPLOSION SHALL TREAT DESIGNATED PERSONNEL WITH DUE RESPECT AND SHALL TAKE ALL APPROPRIATE STEPS TO PREVENT ANY ATTACK UPON THE PERSONS, FREEDOM OR DIGNITY OF DESIGNATED PERSONNEL.

(B) IMMUNITY FROM CRIMINAL, CIVIL AND ADMINISTRATIVE JURISDICTION, (X) PROSECUTION, AND LEGAL PROCESS OF ANY KIND (XX); (Y) EXCEPT IN CASE OF AN ACTION RELATING TO ANY PROFESSIONAL OR COMMERCIAL ACTIVITY EXERCISED BY THE PERSON IN THE TERRITORY OF THE PARTY CARRYING OUT AN EXPLOSION OUTSIDE HIS OFFICIAL FUNCTIONS AND AN ACTION FOR DAMAGES ARISING OUT OF AN ACCIDENT CAUSED BY A VEHICLE USED OUTSIDE THE OFFICIAL FUNCTIONS OF DESIGNATED PERSONNEL (YY).

(C) DESIGNATED PERSONNEL SHALL NOT BE OBLIGED TO GIVE EVIDENCE AS A WITNESS.

(D) INVIOABILITY OF THEIR ARCHIVES, DOCUMENTS, (X) PERSONAL PROPERTY AND EQUIPMENT (XX) AT ALL TIMES AND WHEREVER THEY MAY BE.

(E) EXEMPTION FROM ALL TAXES, CHARGES AND DUTIES, PERSONAL OR REAL, NATIONAL, REGIONAL OR MUNICIPAL, EXCEPT FOR INDIRECT TAXES OF A KIND WHICH ARE NORMALLY INCORPORATED IN THE PRICE OF GOODS OR SERVICES AND EXCEPT FOR CHARGES LEVIED FOR SPECIFIC SERVICES RENDERED.

(F) INVIOABILITY OF THEIR OFFICIAL AND LIVING QUARTERS. AGENTS OF THE PARTY CARRYING OUT AN EXPLOSION MAY NOT ENTER THE OFFICES AND LIVING QUARTERS OF DESIGNATED PERSONNEL EXCEPT WITH THE CONSENT OF DESIGNATED PERSONNEL.

3. WITHOUT PREJUDICE TO THEIR PRIVILEGES AND IMMUNITIES IT SHALL BE THE DUTY OF DESIGNATED PERSONNEL TO RESPECT THE LAWS AND REGULATIONS OF THE STATE IN WHOSE TERRITORY THE EXPLOSION IS TO BE CARRIED OUT INsofar AS
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THEY DO NOT IMPEDE IN ANY WAY WHATSOEVER THE PROPER CARRYING OUT OF THEIR RIGHTS AND FUNCTIONS PROVIDED FOR BY THE TREATY AND THIS PROTOCOL.

ARTICLE (X) XIII (XX) (Y) VIII (YY)
THE PARTY CARRYING OUT AN EXPLOSION SHALL HAVE SOLE AND EXCLUSIVE CONTROL OVER AND FULL RESPONSIBILITY FOR THE CONDUCT OF EXPLOSIONS.

ARTICLE (X) XIV (XX) (Y) IX (YY)

1. NOTHING IN THE TREATY AND THIS PROTOCOL SHALL EFFECT PROPERTY RIGHTS IN INFORMATION WHICH WOULD BE MADE AVAILABLE UNDER THE TREATY AND THIS PROTOCOL AND IN INFORMATION WHICH MAY BE DISCLOSED IN THE PREPARATION AND CARRYING OUT OF EXPLOSIONS; HOWEVER, CLAIMS TO SUCH PROPERTY RIGHTS SHALL NOT IMPEDE IMPLEMENTATION OF THE PROVISIONS OF THE TREATY AND THIS PROTOCOL.

2. PUBLICATION OF THE INFORMATION PROVIDED IN ACCORDANCE WITH ARTICLE (X) III (XX) (Y) II (YY) OF THIS PROTOCOL, OR PUBLICATIONS USING SUCH INFORMATION, AS WELL AS PUBLICATION OF THE RESULTS OF OBSERVATION AND MEASUREMENTS OBTAINED BY DESIGNATED PERSONNEL, MAY TAKE PLACE ONLY BY AGREEMENT WITH THE PARTY CARRYING OUT AN EXPLOSION; HOWEVER, THE OTHER PARTY SHALL HAVE THE RIGHT TO ISSUE STATEMENTS AFTER THE EXPLOSION THAT DO NOT DIVULGE SPECIFIC INFORMATION WHICH IS THE PROPERTY OF THE PARTY CARRYING OUT AN EXPLOSION.

END TEXT

3. AGREED TO PREPARE JOINT LANGUAGE FOR SEPARATE PARAGRAPH (OR ARTICLE, ACCORDING TO VIEWS OF SOVIET SIDE) ON REQUIREMENTS FOR AGREEMENT BY THIRD COUNTRY TO PRIVILEGES AND IMMUNITIES, ETC.

4. SOVIET SIDE AGREED TO LEAVE OUT PROVISION CONCERNING EXPENSES FOR TIME BEING, BUT EXPRESSED VIEW THAT EXPLICIT PROVISIONS FOR EXPENSES SHOULD BE CONSIDERED DURING NEGOTIATIONS.

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5. CONCERNING SOVIET BRACKETING OF "EQUIPMENT AND PERSONAL PROPERTY". THEY SAY;
(A) TREATMENT OF "EQUIPMENT" PART DEPENDS UPON RESOLUTION OF OTHER ISSUES CONCERNING CUSTODY, ETC.

(B) THEY AGREE WITH "AND PERSONAL PROPERTY" PART, BUT LAPTEV DOES NOT FIND USE OF THESE EXACT WORDS IN HIS PRECEDENTIAL PAPERS AND ASKS US SIDE TO SUGGEST ALTERNATIVE LABEL.

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